

Congress of the United States
Washington, DC 20515

October 4, 2019

VIA U.S. AND ELECTRONIC MAIL

The Vice President
Eisenhower Executive Office Building
Washington, D.C. 20502

Dear Mr. Vice President:

Pursuant to the House of Representatives' impeachment inquiry, we are hereby requesting that you produce the documents set forth in the accompanying schedule by **October 15, 2019.**

This request is being made jointly by the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform under the Rules of the House of Representatives in exercise of their oversight and legislative jurisdiction. The requested documents shall be collected as part of the House's impeachment inquiry and shared among the Committees, as well as with the Committee on the Judiciary as appropriate.¹ Your failure or refusal to comply with the request, including at the direction or behest of the President or the White House, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against you and the President.

The Committees are investigating the extent to which President Trump jeopardized national security by pressing Ukraine to interfere with our 2020 election and by withholding security assistance provided by Congress to help Ukraine counter Russian aggression, as well as any efforts to cover up these matters.

Recently, public reports have raised questions about any role you may have played in conveying or reinforcing the President's stark message to the Ukrainian President. The reports include specific references to a member of your staff who may have participated directly in the July 25, 2019, call, documents you may have obtained or reviewed, including the record of the call, and your September 1, 2019, meeting with the Ukrainian President in Warsaw, during which you reportedly discussed the Administration's hold on U.S. security assistance to Ukraine.

¹ See Letter from Jerrold Nadler, Chairman, Committee on the Judiciary, to Adam B. Schiff, Chairman, Permanent Select Committee on Intelligence; Maxine Waters, Chairwoman, Committee on Financial Services; Elijah E. Cummings, Chairman, Committee on Oversight and Reform; and Eliot L. Engel, Chairman, Committee on Foreign Affairs (Aug. 22, 2019) (online at <https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/FiveChairsLetter8.22.pdf>).

Background

In September 2018, Congress appropriated \$250 million to the Department of Defense for the Ukraine Security Assistance Initiative for fiscal year 2019.² In a Committee report authorizing the appropriation, the Senate Committee on Armed Services wrote:

The committee remains deeply concerned by the continuing aggression of Russia and Russian-led separatist forces in Ukraine. The committee welcomes the delivery of Javelin Missiles and Javelin Command Launch Units to Ukraine, which sends a strong signal of the United States' commitment to the defense of allies and partners. The committee continues to emphasize the importance of providing security assistance and intelligence support, including defensive lethal assistance, to the Government of Ukraine to build its capacity to defend its sovereignty and territorial integrity.³

On February 28, 2019, and May 23, 2019, Under Secretary of Defense for Policy John Rood notified Congressional chairs that the Department of Defense intended to release large tranches of this military aid to Ukraine.⁴ The Congressional committees approved the defense assistance shortly after each notification. On June 18, 2019, the Defense Department announced that it was finalizing \$250 million in security cooperation funds to Ukraine.⁵

According to evidence obtained as part of the inquiry, as well as multiple press reports, at some point in July 2019, President Trump ordered Acting Chief of Staff and Office of Management and Budget (OMB) Director Mick Mulvaney to freeze the military aid to Ukraine, and Mr. Mulvaney reportedly “conveyed it through the budget office to the Pentagon and the State Department, which were told only that the administration was looking at whether the spending was necessary.”⁶

According to press reports, “Administration officials were instructed to tell lawmakers that the delays were part of an ‘interagency process’ but to give them no additional information.”⁷ Officials at the Departments of State and Defense reportedly were “puzzled and

² Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, Pub. L. No. 115-245 at § 9013 (2018).

³ Senate Committee on Armed Services, *Report to Authorize Appropriations for Fiscal Year 2019 for Military Activities of the Department of Defense and for Military Construction, to Prescribe Military Personnel Strengths for Such Fiscal Year, and for Other Purposes* (Sen. Rpt. 115-262) (June 5, 2018) (online at www.govinfo.gov/content/pkg/CRPT-115srpt262/html/CRPT-115srpt262.htm).

⁴ Letter from John C. Rood, Under Secretary for Policy, Department of Defense, to Congressional Chairmen (May 23, 2019) (online at <https://assets.documentcloud.org/documents/6430088/Pentagon-Letter-On-Ukraine-Aid.pdf>).

⁵ Department of Defense, *Press Release: DOD Announces \$250M to Ukraine* (June 18, 2019) (online at www.defense.gov/Newsroom/Releases/Release/Article/1879340/dod-announces-250m-to-ukraine/).

⁶ *Trump Said to Have Frozen Aid to Ukraine Before Call with Its Leader*, New York Times (Sept. 23, 2019) (online at www.nytimes.com/2019/09/23/us/politics/trump-un-biden-ukraine.html).

⁷ *Trump Ordered Hold on Military Aid Days Before Calling Ukrainian President, Officials Say*, Washington Post (Sept. 23, 2019) (online at www.washingtonpost.com/national-security/trump-ordered-hold-on-military-aid-days-before-calling-ukrainian-president-officials-say/2019/09/23/df93a6ca-de38-11e9-8dc8-

alarmed” after learning about the White House’s directive. Pentagon officials reportedly “tried to make a case to the White House that the Ukraine aid was effective and should not be looked at in the same manner as other aid,” but “those arguments were ignored.” State and Defense Department officials reportedly contacted Congress to inform them of the freeze imposed by the White House.⁸

On July 25, 2019, approximately one week after this order to halt military aid to Ukraine, President Trump had a telephone call with President Volodymyr Zelensky of Ukraine. According to the record of the call that has now been made public, President Trump repeatedly urged the Ukrainian President to launch an investigation into former Vice President Biden immediately after the Ukrainian President inquired about the status of the U.S. military assistance, including his desire to procure U.S.-manufactured Javelin missiles.

According to the record, President Trump stated, “I would like you to do us a favor though.” He also stated, “I would like to have the Attorney General call you or your people and I would like you to get to the bottom of it.” He also said,

There’s a lot of talk about Biden’s son, that Biden stopped the prosecution and a lot of people want to find out about that so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution so if you can look into it... It sounds horrible to me.⁹

On August 30, 2019, Chairman Adam Smith and Ranking Member Mac Thornberry of the House Committee on Armed Services wrote a letter to Mr. Mick Mulvaney requesting information regarding why military assistance to Ukraine was being withheld and when it would be released. They wrote: “This funding is critical to the accomplishment of U.S. national security objectives in Europe.”¹⁰

On September 3, 2019, a bipartisan group of Senators—including Senators Rob Portman, Jeanne Shaheen, Dick Durbin, Richard Blumenthal, and Ron Johnson—wrote a letter requesting that OMB release the military assistance to Ukraine that the Trump Administration was withholding:

The funds designated for the Ukraine Security Assistance Initiative are vital to the long term viability of the Ukrainian military. It has helped Ukraine develop the independent military capabilities and skills necessary to fend off the Kremlin’s continued onslaughts within its territory. In fact, Ukraine continues to fight daily on its eastern border against Russia-backed separatists in the provinces of Donetsk and Luhansk, and over 10,000 Ukrainian soldiers and civilians have lost their lives in this war. U.S.-funded security

498eabc129a0_story.html).

⁸ *Trump Said to Have Frozen Aid to Ukraine Before Call with Its Leader*, New York Times (Sept. 23, 2019) (online at www.nytimes.com/2019/09/23/us/politics/trump-un-biden-ukraine.html).

⁹ The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf).

¹⁰ Letter from Chairman Adam Smith and Ranking Member Mac Thornberry, House Committee on Armed Services, to Mick Mulvaney, Director, Office of Management and Budget (Aug. 30, 2019).

assistance has already helped turn the tide in this conflict, and it is necessary to ensure the protection of the sovereign territory of this young country, going forward.¹¹

On September 5, 2019, Chairman Eliot L. Engel and Ranking Member Michael McCaul of the House Committee on Foreign Affairs wrote a letter to OMB urging the Trump Administration to lift its hold on security assistance funds to support Ukraine, writing: “These funds, which were appropriated by Congress as Foreign Military Financing and as part of the Ukraine Security Assistance Initiative and signed into law by the President, are essential to advancing U.S. national security interests.”¹²

On September 9, 2019, our Committees wrote to the White House requesting documents related to “the actual or potential suspension of security assistance to Ukraine.”¹³ The White House never responded to this request. However, two days later, on September 11, 2019, the White House released its hold on the military assistance to Ukraine.¹⁴

On September 24, 2019, Senate Majority Leader Mitch McConnell stated that, although he was “very actively involved in advocating the aid,” he “was not given an explanation” about why it was being withheld, even though he talked to the Secretary of Defense and the Secretary of State. He stated: “I have no idea what precipitated the delay.”¹⁵

Reports Relating to Your Involvement During This Period

On October 2, 2019, the Washington Post reported that President Trump repeatedly “used” you “in efforts to exert pressure on the leader of Ukraine at a time when the president was using other channels to solicit information that he hoped would be damaging to a Democratic rival.”¹⁶ It remains unclear to what extent you had knowledge of specific aspects of some of these events.

¹¹ Letter from Senators Rob Portman, Jeanne Shaheen, Dick Durbin, Richard Blumenthal, and Ron Johnson, to Mick Mulvaney, Director, Office of Management and Budget (Sept. 3, 2019) (online at www.portman.senate.gov/newsroom/press-releases/portman-shaheen-lead-bipartisan-ukraine-caucus-leadership-letter-urging).

¹² Letter from Chairman Eliot L. Engel and Ranking Member Michael McCaul, House Committee on Foreign Affairs, to Mick Mulvaney, Director, and Russell Vought, Acting Director, Office of Management and Budget (Sept. 5, 2019).

¹³ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Mike Pompeo, Department of State (Sept. 9, 2019) (online at https://foreignaffairs.house.gov/_cache/files/a/d/ad1e0561-2252-4f7c-97ad-f649db558c83/1F587BDDA9087BEDDEE8D45A8F92C370.test.ele-schiff-cummings-letter-to-sec-pompeo-on-ukraine-002-.pdf).

¹⁴ *Trump Administration Backs Off Hold on Ukraine Military Aid*, Politico (Sept. 12, 2019) (online at www.politico.com/story/2019/09/12/trump-administration-ukraine-military-aid-3825755).

¹⁵ *McConnell: ‘I Was Not Given an Explanation’ for Ukraine Aid Delay*, The Hill (Sept. 24, 2019) (online at <https://thehill.com/homenews/senate/462828-mcconnell-i-was-not-given-an-explanation-for-ukraine-aid-delay>).

¹⁶ *Trump Involved Pence in Efforts to Pressure Ukraine’s Leader, Though Aides Say Vice President was Unaware of Allegations in Whistleblower Complaint*, Washington Post (Oct. 2, 2019) (online at www.washingtonpost.com/world/national-security/trump-involved-pence-in-efforts-to-pressure-ukraines-leader-

According to the report, “Officials close to Pence insist that he was unaware of Trump’s efforts to press Zelensky for damaging information about Biden and his son.”¹⁷

However, the report indicates that your national security advisor, Lieutenant General Keith Kellogg, was on the July 25, 2019, call during which President Trump repeatedly urged the Ukrainian President to launch an investigation into former Vice President Biden. President Trump requested this “favor” immediately after the Ukrainian President inquired about the status of the U.S. military assistance, including his desire to procure U.S.-manufactured Javelin missiles.¹⁸

The report also indicates that you met personally with President Zelensky in Warsaw, Poland on September 1, 2019, and that President Trump sent you with instructions to inform the Ukrainian leader that “the administration wasn’t going to release the aid until it had assurances that Zelensky was committed to fighting corruption.” According to the report:

Officials close to Pence contend that he traveled to Warsaw for a meeting with Zelensky on Sept. 1 probably without having read—or at least fully registered—the transcript of Trump’s July 25 call with the leader of Ukraine.¹⁹

On October 3, 2019, CNN reported that “Vice President Mike Pence was told about the July 25 call between President Donald Trump and Ukrainian President Volodymyr Zelensky the day after the call.” CNN also reported that “Pence was provided a transcript of Trump’s call with Zelensky in his briefing book the day after the call.” According to the source cited in the report, “He may or may have not read it.”²⁰

On September 2, 2019, you were asked during a press conference whether President Trump’s decision to freeze military aid to Ukraine was related to efforts “to try to dig up dirt on the Biden family.” You declined to respond directly, but stated instead: “as President Trump had me make clear, we have great concerns about issues of corruption.”²¹

Yesterday, you appeared to condone President Trump’s efforts to press foreign powers to target the President’s political opponents with baseless conspiracy theories. In public remarks, you stated:

though-aides-say-vice-president-was-unaware-of-pursuit-of-dirt-on-bidens/2019/10/02/263aa9e2-e4a7-11e9-b403-f738899982d2_story.html).

¹⁷ *Id.*

¹⁸ *Id.* See also The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf).

¹⁹ *Id.*

²⁰ *Pence Was Told About Call Between Trump and Zelensky the Day After It Happened*, CNN (Oct. 3, 2019) (online at www.cnn.com/2019/10/03/politics/mike-pence-ukraine-call/index.html).

²¹ The White House, *Remarks by Vice President Pence and President Duda of Poland in Joint Press Conference* (Sept. 2, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-vice-president-pence-president-duda-poland-joint-press-conference-warsaw-poland/).

I think the American people have a right to know if the Vice President of the United States or his family profited from this position as Vice President during the last administration. That's about looking backwards and understanding what really happened.²²

You also stated that "the President made it very clear that he believes—he believes our other nations around the world should look into it as well."²³

Request for Documents

The Committees are seeking the documents in the attached schedule in order to examine this sequence of events, including the Administration's attempts to press the Ukrainian President to open an investigation into former Vice President Biden or election interference in 2016, and the reasons behind the White House's decision to delay critical military assistance to Ukraine that was appropriated by Congress to counter Russian aggression.

An attachment to this letter provides additional instructions for responding to the Committees' request.

If you have any questions regarding this request, please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690.

Sincerely,


Eliot L. Engel
Chairman
House Committee on Foreign Affairs


Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence


Elijah E. Cummings
Chairman
House Committee on Oversight and Reform

Enclosure

cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

²² The White House, *Remarks by Vice President Pence in a Press Gaggle* (Oct. 3, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-vice-president-pence-press-gaggle-7/).

²³ *Id.*

The Vice President

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The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

DOCUMENT REQUEST

In accordance with the attached Definitions and Instructions, you, Michael R. Pence, in your capacity as Vice President of the United States, are requested to produce, for the time period from January 1, 2019 to the present, all documents and communications referring or relating to:

1. President Trump's April 21, 2019, and July 25, 2019, telephone conversations with Ukrainian President Volodymyr Zelensky, including but not limited to:
 - a. All recordings, transcripts, notes (including electronic and hand-written notes), summaries, and draft versions of the official "Memorandum of Telephone Conversation";
 - b. All preparatory memoranda and materials including the full presidential call package and any addenda;
 - c. The identity of all individuals who listened to, participated in, assisted in preparation for, transcribed, took notes during, reviewed the call record or transcript, or received information about the April 21, 2019, and July 25, 2019, telephone conversations;
 - d. All memoranda, briefing materials, summaries, and other documents received by you or officials in the Office of the Vice President (OVP) referring or relating to the July 25, 2019 call;
2. Communications between or among current or former officials of any of the following entities referring or relating in any way to the April 21, 2019, or July 25, 2019, telephone conversations:
 - a. The White House, including the OVP, the White House Counsel's Office, the National Security Council (NSC), the Office of Management and Budget (OMB), or the White House Situation Room;
 - b. The Department of Justice (DOJ);
 - c. The Department of State (DOS);
 - d. The Department of Energy (DOE); and
 - e. Agencies in the Intelligence Community (IC);
3. Any of the following meetings or potential meetings:
 - a. All telephone calls, meetings, visits, or other communication involving President Trump and President Zelensky, including but not limited to requests, suggestions, proposals, or other communications;

- b. A meeting at the White House on or around May 23, 2019, involving President Trump, Energy Secretary Rick Perry, former Ambassador Kurt Volker, and/or Ambassador Gordon Sondland;
- c. President Zelensky's inauguration on May 20, 2019, in Kyiv, Ukraine, including but not limited to President Trump's decision not to attend or send you to lead the U.S. delegation, and instead to send Energy Secretary Rick Perry;
- d. A meeting on or about July 10, 2019, at the White House between Ukrainian officials Andriy Yermak and Oleksander Danylyuk and U.S. government officials, including Energy Secretary Rick Perry, former National Security Advisor John Bolton, former Special Representative for Ukraine Negotiations Ambassador Kurt Volker, and Ambassador Gordon Sondland, including the proposed or actual participation of you and/or President Trump in the meeting, and any notes or memoranda related to the meeting that were provided to you or your office;
- e. A potential meeting between President Trump and President Zelensky in Warsaw, Poland on or about September 1, 2019, including President Trump's decision to cancel his attendance;
- f. All meetings and communications between U.S. officials, including but not limited to you, Energy Secretary Rick Perry, or Senior Advisor Jared Kushner, and President Zelensky or other Ukrainian government officials in Warsaw, Poland in or around September 1, 2019;
- g. Secretary Pompeo's September 17, 2019 call with the Ukrainian Foreign Minister Vadym Prystayko;
- h. Your September 18, 2019, call with President Zelensky; and
- i. All meetings between President Trump and President Zelensky during the United Nations General Assembly on or about September 25, 2019, including but not limited to any discussion of their July 25, 2019, phone call, as well as any preparatory memoranda and materials generated for the meeting; any notes, readouts, summaries of the same; and any follow-up directives and guidance formally or informally issued to NSC staff, as well as relevant departments and agencies, either formally or informally;

4. Efforts by any current or former member of the Trump Administration or Rudolph ("Rudy") W. Giuliani, Igor Fruman, Lev Parnas, and Semyon ("Sam") Kislin, Joseph diGenova, Victoria Toensing, Vitaly Pruss, or any of their associates, to induce, compel, petition, press, solicit, request, or suggest that current or former Ukrainian government officials, politicians, or other persons or entities associated with or acting in any capacity as a representative, agent, or proxy for any such individuals, investigate matters related to Burisma Holdings Ltd., Paul Manafort, Hunter Biden, Joseph Biden, the Democratic National Committee, Hillary Clinton, and/or any U.S. persons or entities;

5. The actual or potential withholding, freezing, reviewing, delaying, deferring, directing, impounding, or releasing of foreign assistance of any kind, including security assistance, to Ukraine for fiscal year 2019, including communications among or between individuals in the White House, OMB, OVP, the Department of Defense (DOD), DOS, DOE, the United States Agency for International Development (USAID), ODNI or agencies in the Intelligence Community (IC);
6. The timing, content, and manner for communicating to Congress information regarding the status of foreign assistance of any kind, including security assistance, to Ukraine, including written Congressional notifications of foreign assistance, briefings, or any communications referring or relating to information that should or should not be conveyed and why;
7. Proposed or actual apportionments or re-apportionments, including footnotes, specifically withholding obligation by DOD, DOS, DOE, USAID, ODNI or the IC of foreign assistance of any kind to Ukraine, including funds appropriated for the Ukraine Security Assistance Initiative by section 9013 of the Department of Defense Appropriations Act, 2019 (Division A of Public Law 115-245), and for amounts available during fiscal year 2019 within the Foreign Military Financing Program account(s);
8. Deferrals or rescissions of any funding appropriated for foreign aid to Ukraine, including transmitting a “special message” to the House of Representatives, the Senate, and the Comptroller General as required by the Impoundment Control Act;
9. Opinions, advice, counsel, approvals, or concurrences provided by OMB, NSC, the White House, or the Department of Justice on the legality of using an apportionment to withhold or defer the obligation of congressionally appropriated funds to Ukraine;
10. The rate of expenditure for foreign assistance of any kind provided by DOD, State, DOE, USAID, or IC agencies to Ukraine;
11. Any delegation or revocation of apportionment authority involving OMB political or career officials;
12. Interagency meetings related to foreign assistance of any kind, including security assistance, to Ukraine, including documents sufficient to show the identities of all officials who attended interagency meetings on July 18, 2019, July 23, 2019, and July 26, 2019, among others; and
13. The decision announced on or about September 12, 2019, to provide appropriated foreign aid to Ukraine for fiscal year 2019, including any notes, memoranda, documentation or correspondence related to the decision.